UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,161	11/20/2003	Claude Cajolet	A1998037(2)C	8989

26643	7590	01/11/2006

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EXAMINER
LUU, MATTHEW

ART UNIT	PAPER NUMBER
3663	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/718,161	CAJOLET ET AL.
	Examiner	Art Unit	
	LUU MATTHEW	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 June 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-7_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-7_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _11 November 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

Page 1, "CROSS-REFERENCE TO RELATED APPLICATONS" section, after

"Application Ser. No. 09/049,066, filed on August 1, 1998," insert - - now U.S. Patent

No. 6,686,918 - -.

The "provisional application Ser. No. 60/054,590" data is not consistent with PTO

records. The examiner has noted that in the U.S. Patent No. (6,011,562) to the

applicant, the provisional application Ser. No. is **60/054,589**. The applicant is

requested to verify the provisional application data accordingly.

Appropriate correction is required.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-7 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 13-16 of U.S. Patent No. 6,686,918 (hereinafter '918). Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference in claim 1 of this application and claim 13 of the patent No. ('918) is that the claim 1 requires "computer program instructions stored on the computer readable medium that, when processed by a computer, instruct the computer to perform" a method of claim 13 of the Patent No. ('918).

However, it would have been obvious to the person of ordinary skill in the art to recognize that the claimed "computer program instructions stored on the computer readable medium" is merely a "software disk" for running a computer application.

Therefore, it would have been obvious that the user can use a "software disk" to run the application of editing a 3D animation of claim 13 of the Patent No. ('918) since this is conventional in the art.

Application No. 10/718,161	**Patent No. 6,686,918**
Claim 1. A computer program product, comprising:	**Claim 13**.
a computer readable medium;	
a computer program instructions stored	

on the computer readable medium that,

when processed by a computer, instruct

the computer to perform

a method for implementing a graphical user interface for editing a three-dimensional animation...	A method for implementing a graphical user interface for editing a three-dimensional animation...
displaying a clip object...	displaying a clip object...
rendering the animation element...	rendering the animation element...
composition the first rendered sequence...	composition the first rendered sequence...
allowing a user to modify the duration of the clip object...	allowing a user to modify the duration of the clip object...
rendering the animation element...	rendering the animation element...;
compositing the second rendered sequence of two-dimensional frames...to produce a representation of the three-dimensional animation.	compositing the second rendered sequence of two-dimensional animation frames...to produce a representation of the three-dimensional animation.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Susman (5,261,041) a computer controlled animation system based on definitional animated objects.

-Amiot et al (5,781,188) disclose a method for indicating activeness of clips and applying effects to clips and tracks in timeline of a multimedia work.

-Morgan (5,838,938) discloses a graphical user interface for use in connection with computer controlled multimedia editing systems.

-Hill (6,023,703) discloses a system representing hierarchical time-based data structures and to extract information therefrom.

-Barrus et al (6,058,397) disclose a 3D virtual environment creation management and delivery system.

-Moreau et al (6,243,706) the system for managing the creation and production of computer generated works.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

MATTHEW LUU
PRIMARY EXAMINER